



Council of the European Union
General Secretariat

Brussels, 10 July 2025

**Interinstitutional files:
2023/0438 (COD)**

WK 9577/2025 INIT

LIMITE

ENFOPOL

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CODEC

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WORKING DOCUMENT

From:	Presidency
To:	Delegations
N° prev. doc.:	10613/25
N° Cion doc.:	16204/23 - COM(2023) 754 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794 - 4-column table

Delegations will find in the Annex a four-column table concerning the above legislative proposal, which will be presented at JHA Counsellors meeting on 14 July 2025.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794

2023/0438(COD)

DRAFT [Revised version with copied green parts in draft agreement]

09-07-2025 at 12h54

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
Formula				
1	2023/0438 (COD)	2023/0438 (COD)	2023/0438 (COD)	2023/0438 (COD) <small>Text Origin: Commission Proposal</small>
Document Stage				
2	Proposal for a	Proposal for a	Proposal for a	Proposal for a <small>Text Origin: Commission Proposal</small>
Document Type				
3	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <small>Text Origin: Commission Proposal</small>
Document Purpose				
4	on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human	on <u>amending Regulation (EU) 2016/794 as regards the strengthening of Europol's support and</u> enhancing police cooperation in	on enhancing police cooperation in relation to the prevention, detection and investigation of amending Regulation (EU) 2016/794, as	

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	beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794	relation to the prevention, detection and investigation of, for preventing and combating migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794	regards the strengthening of Europol's support to preventing and combating migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794	
Formula				
5	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
6	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85(1), Article 87(2), and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85(1), Article 87(2), and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85(1), Article 87(2), and Article 88(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85(1), Article 87(2), and Article 88(2) thereof, <u>Need to change legal base to limit to 88.2</u>
Citation 2				
7	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
8	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,

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				Text Origin: Commission Proposal
Citation 4				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Recital 1				
11	<p>(1) The European Union Agency for Law Enforcement Cooperation (Europol) was established by Regulation (EU) 2016/794 of the European Parliament and of the Council¹ to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy.</p> <p>¹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA,</p>	<p>(1) The European Union Agency for Law Enforcement Cooperation (Europol) was established by Regulation (EU) 2016/794 of the European Parliament and of the Council¹ to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy.</p> <p>¹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA,</p>	<p>(1) The European Union Agency for Law Enforcement Cooperation (Europol) was established by Regulation (EU) 2016/794 of the European Parliament and of the Council.¹ to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy.</p> <p>¹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and</p>	

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	2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135 24.5.2016, p. 53, ELI: http://data.europa.eu/eli/reg/2016/794/oj .	2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135 24.5.2016, p. 53, ELI: http://data.europa.eu/eli/reg/2016/794/oj .	repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135 24.5.2016, p. 53, ELI: http://data.europa.eu/eli/reg/2016/794/oj .	
Recital 1a				
11a			(1a) Europol's core tasks is to support and strengthen actions by the competent authorities of the Member States and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, to act as the principal Union criminal information hub, to deliver agile operational support by being at the forefront of law enforcement innovation and research and providing European policing solutions. Europol – with its core tasks of information-sharing, analysis and operational support – provides genuine added value for the security of the European Union.	
Recital 2				
12	(2) Migrant smuggling is a criminal activity that disrespects human life and dignity of people in the pursuit of profit, undermining the	(2) Migrant smuggling is a criminal activity that disrespects human life and dignity of people in the pursuit of profit, undermining the	(2) Migrant smuggling is a criminal activity that disrespects human life and dignity of people in the pursuit of profit, undermining the	


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	<p>fundamental rights of the people concerned as well as the migration management objectives of the Union. The European Council, in its conclusions of 9 February 2023, reaffirmed the importance of the fight against smugglers and affirmed the willingness to step up its action to prevent irregular departures and loss of life, also by intensifying cooperation with countries of origin and transit. To this effect, it is also important to strengthen the response of law enforcement to migrant smuggling and trafficking in human beings by reinforcing the capabilities of Europol, and in particular its Union centre of specialised expertise for combating migrant smuggling and trafficking in human beings.</p>	<p>fundamental rights of the people concerned as well as the migration management objectives of the Union. The European Council, in its conclusions of 9 February 2023, reaffirmed the importance of the fight against smugglers and affirmed the willingness to step up its action to prevent irregular departures and loss of life, also by intensifying cooperation with countries of origin and transit. <u><i>Trafficking in human beings is a serious crime, often committed within the framework of organised crime, is a gross violation of fundamental rights, and is explicitly prohibited by the Charter of Fundamental Rights of the European Union (the ‘Charter’). Preventing and combating trafficking in human beings, and supporting the victims of trafficking, regardless of their country of origin, remains a priority for the Union and the Member States.</i></u> To this effect, it is also important to strengthen the response of law enforcement to migrant smuggling and trafficking in human beings by reinforcing the capabilities of Europol, and in particular its Union centre of specialised expertise for combating migrant smuggling and trafficking in human beings.</p>	<p>fundamental rights of the people concerned as well as the migration management objectives of the Union. The European Council, in its conclusions of 9 February 2023, reaffirmed the importance of the fight against smugglers and affirmed the willingness to step up its action to prevent irregular departures and loss of life, also by intensifying cooperation with countries of origin and transit. To this effect, it is also important to strengthen the response of law enforcement to migrant smuggling and trafficking in human beings by reinforcing the overall capabilities of Europol, and in particular its Union centre of specialised expertise for combating migrant smuggling and trafficking in human beings.</p>	
Recital 2a				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
12a			<p>(2a) To prevent, detect and investigate cross-border serious organised crime and terrorism, coordination and concerted action is necessary. The role of Europol in supporting Member States' criminal intelligence exchange activities and investigations has evolved significantly through the development of innovative concepts targeting criminal actors constituting a high threat. This support and cooperation become more and more complex and requires specific expertise and resources that both Member States and Europol need to invest in. The use of operational task forces enables Member States, with the support of Europol, to conduct joint, coordinated and prioritised criminal intelligence exchange activities - which entails exchanging criminal intelligence, the discovery of links, the conducting of analysis - and investigations notably on criminal networks and groups as well as individual criminal actors who constitute a high risk for security. When supporting this flexible, operational and temporary cooperation Europol should be able to make available its analytical, operational, technical,</p>	


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			forensic and financial support to the participating Member States.	
Recital 2b				
12b			(2b) Operational task forces constitute a flexible concept for cooperation to support Member States' criminal intelligence exchange activities and investigations targeting individuals and networks and groups that constitute the highest serious and organized crime threat and therefore should be embedded as far as possible with EMPACT. Criminal intelligence exchange activities carried out in an operational task force can be accompanied by the opening of criminal investigations in one or more Member States that may as a complementary approach benefit from setting up a joint investigation team in order to produce criminal evidence. In accordance with article 5 (5) of Regulation (EU) 2016/794, Europol may propose the to the Member States concerned to set up a joint investigation team.	
Recital 3				
13	(3) A "European Migrant Smuggling Centre" was created in 2016 by the Management Board of	(3) A "European Migrant Smuggling Centre" was created in 2016 by the Management Board of	<i>deleted</i>	


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	<p>Europol in accordance with Article 11(1), point (s), of Regulation (EU) 2016/794 as such a Union centre of specialised expertise. It has continuously evolved since its inception and has expanded its range of activities in order to provide the best support to the Member States as a dynamic platform for operational cooperation, the exchange of information, and coordination between the Member States and partners engaged in the fight against migrant smuggling and the trafficking in human beings. The increases in irregular arrivals in the Union and in unauthorised movements within the Union, the rapid adaptability of criminal organised groups, the development of new modi operandi and sophisticated methods urgently require a significant reinforcement of the role of Europol's Union centre of specialised expertise for combating migrant smuggling and trafficking in human beings by establishing it as a permanent structure within Europol and by strengthening the level of its engagement in supporting the Member States in the prevention and combating of migrant smuggling and trafficking in human beings. Its name should be "European Centre</p>	<p>Europol in accordance with Article 11(1), point (s), of Regulation (EU) 2016/794 as such a Union centre of specialised expertise. It has continuously evolved since its inception and has expanded its range of activities in order to provide the best support to the Member States as a dynamic platform for operational cooperation, the exchange of information, and coordination between the Member States and partners engaged in the fight against migrant smuggling and the trafficking in human beings. The increases in <u>increase in the criminal activities of migrant smugglers and human traffickers, involved in the facilitation of</u> irregular arrivals in the Union and into and unauthorised movements within the Union, the rapid adaptability of criminal organised groups, <u>and</u> the development of new modi operandi and sophisticated methods urgently require a significant reinforcement of the role of Europol's Union centre of specialised expertise for combating migrant smuggling and trafficking in human beings by establishing it as a permanent structure within Europol and by strengthening the level of its engagement in supporting the Member States in the prevention and</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">PUBLIC</p>	

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	Against Migrant Smuggling”.	combating of migrant smuggling and trafficking in human beings. Its name should be “European Centre Against Migrant Smuggling”.		
<i>Recital 4</i>				
14	(4) The European Centre Against Migrant Smuggling should provide strategic, operational and technical support to Member States to prevent and combat migrant smuggling and trafficking in human beings. As part of its strategic tasks, it should provide a framework for the implementation of strategic and operational priorities of the Union by monitoring trends in migrant smuggling and trafficking in human beings. To that end it should provide annual reports, strategic analyses, threat assessments and situational updates on migratory routes and modi operandi, including indications that private parties may be used for migrant smuggling and trafficking in human beings. In the context of fulfilling its strategic and operational tasks, the European Centre Against Migrant Smuggling should cooperate with the European External Action Service and Common Security and Defense Policy missions and operations, where appropriate and relevant, in line with their respective mandates	(4) The European Centre Against Migrant Smuggling should provide strategic, <u>cross-disciplinary</u> , operational and technical support to Member States to prevent and combat migrant smuggling and trafficking in human beings. As part of its strategic tasks, it should provide a framework for the implementation of strategic and operational priorities of the Union by monitoring trends <u>and developments</u> in migrant smuggling and trafficking in human beings, <u>taking into account existing data from other relevant EU agencies such as the European Border and Coast Guard Agency, Eurojust, or the European Union Agency for Asylum</u> . To that end it should provide <u>an annual reports report on key priorities and actions</u> , strategic analyses, threat assessments and situational updates on migratory routes and modi operandi, including indications that private parties may be used for migrant smuggling and trafficking in human beings. In the context of fulfilling its strategic and	<i>deleted</i>	


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	and competences, as well as in accordance with Europol's mandate.	<p>operational tasks <u>Due to its work in preventing and combating trafficking in human beings</u>, the European Centre Against Migrant Smuggling should cooperate <u>also support the identification of victims of trafficking or other vulnerable individuals, ensuring the necessary cooperation</u> with the European External Action Service and Common Security and Defense Policy missions and operations, where appropriate and relevant, in line with their respective mandates and competences, as well as in accordance with Europol's mandate <u>EU anti-trafficking coordinator referred to in Article 20 of Directive 2011/36/EU.</u></p>		
<i>Recital 5</i>				
15	(5) In order to strengthen inter-agency cooperation on migrant smuggling and trafficking in human beings, the European Centre Against Migrant Smuggling should provide a means to enhance cooperation and coordination between Europol and other Union agencies, notably with Eurojust and the European Border and Coast Guard Agency, in line with their respective legal frameworks, including through working arrangements between the Union agencies.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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<i>Recital 5a</i>				
15a			(5a) Confirming the role and functions of the Management Board, in particular by deciding, taking into consideration both business and financial requirements, upon the establishment of Europol's internal structures, including Union centres of specialised expertise as referred to in point (l) of Article 4(1), upon a proposal of the Executive Director.	
<i>Recital 6</i>				
16	(6) In order to support its strategic analysis in the prevention and combating of migrant smuggling and trafficking in human beings, the European Centre Against Migrant Smuggling should, for strategic tasks, be supported by a cooperation framework composed of Europol staff and involve representatives of the Commission, Member States' specialised services, the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Border and Coast Guard Agency. The European Centre Against Migrant Smuggling should hold a meeting of the entities represented in the centre at least twice a year to ensure effective steer and coordination at Union level. To	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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	<p>enable that centre to fulfil its tasks, other relevant internal structures of Europol should provide it with all necessary support. In order to maximise the effectiveness of the European Centre Against Migrant Smuggling, Europol should be able to invite, in particular, the main actors of the European Multidisciplinary Platform Against Criminal Threats ('EMPACT') as well as other relevant Union bodies or agencies when needed.</p>			
<i>Recital 7</i>				
17	<p>(7) As part of the operational and technical support to Member States, the European Centre Against Migrant Smuggling should ensure coordination of investigative and operational actions of the Member States, including through supporting Member States' cross-border information exchange, operations and investigations, in particular in the framework of EMPACT, including by providing operational, technical, forensic and financial support. Furthermore, Europol should provide support to Member States in identifying cases of migrant smuggling and trafficking in human beings where investigations would need to be initiated, where needed in liaison with Eurojust, in cases that</p>	<p>(7) As part of the operational and technical support to Member States, the European Centre Against Migrant Smuggling should ensure coordination <u>and implementation</u> of investigative and operational actions of the Member States, including through supporting Member States' cross-border <u>cooperation</u>, information exchange, operations and investigations, in particular in the framework of EMPACT; including by providing operational, technical, forensic and financial support. Furthermore, Europol should provide support to Member States in identifying cases of migrant smuggling and trafficking in human beings <u>activities</u> where investigations would need to be</p>	<p><i>deleted</i></p>	

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	require setting up of operational task forces or Europol deployments for operational support, and cases that may require cooperation with third countries, including by exchanging personal data.	initiated, where needed in liaison with Eurojust, in cases that require setting up of operational task forces or Europol deployments for operational support, and cases that may require <u>and including where this requires cooperation or the exchange of personal data</u> with third countries, including by exchanging personal data <u>where necessary</u> .		
<i>Recital 7a</i>				
17a			<p>(7a) The threats posed by serious and organised crime, including activities of criminal networks engaged in migrant smuggling and trafficking in human beings, as well as related crimes and enabling factors, demand a coordinated, coherent, multi-disciplinary and multi-agency response. The European Multidisciplinary Platform Against Criminal Threats ('EMPACT') brings together a wide range of competent authorities in a partnership approach and constitutes both the framework for a coordinated response against organised and serious international crime and a catalyst to operationalise the Union security policies and strategies. To increase the Union</p>	

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			<p>response to prevent and combat serious and organised crime, including migrant smuggling and the trafficking in human beings, Europol and all relevant competent authorities under this Regulation should increase their connection within EMPACT and the operational support to the activities developed by that platform. To that end, Europol should be able to reinforce its strategic, operational and financial support to operational activities implemented within EMPACT, including by involving the core actors of EMPACT whenever relevant. Member States' competent authorities involved in the implementation of operational activities within EMPACT should provide Europol with all relevant information.</p>	
Recital 7a				
17b		<p><u>(7a) For the purpose of strengthening operational and technical support to preventing and combating migrant smuggling and trafficking in human beings, the European Centre Against Migrant Smuggling should involve representatives from the Member States' national structures or mechanisms to prevent and combat</u></p>		


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		<p><u>migrant smuggling and trafficking in human beings, Eurojust and the European Border and Coast Guard Agency to ensure an effective, timely and systematic coordination and exchange of information on countering migrant smuggling and trafficking in human beings at Union level, ensuring a stronger inter-agency cooperation within their respective competences and with Member States. Permanent representatives from Eurojust and the European Border and Coast Guard Agency should be nominated for this purpose. Europol should ensure that the European Centre Against Migrant Smuggling has adequate resources to fulfil its duties and that other relevant internal structures of Europol provide it with all necessary support.</u></p>		
Recital 7b				
17c			<p>(7b) Active engagement of the Member States and sharing of information with Europol is key to ensuring a comprehensive and coordinated Union approach to countering migrant smuggling. Due to the nature of migrant smuggling and trafficking in human beings and the modus operandi of criminal networks, it</p>	

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			<p>is often difficult to determine whether an isolated incident of migrant smuggling or trafficking in human beings relates to a wider organised crime scheme. Member States' competent authorities should provide Europol with information held by its competent authorities relating to the criminal offences of migrant smuggling and trafficking in human beings to enable the Agency to fulfil its objectives as hub for law enforcement information exchange in the Union, to establish possible links between isolated incident of migrant smuggling or trafficking in human beings, and to detect the criminal networks that are responsible for these serious crimes.</p>	
Recital 7b				
17d		<p><u><i>(7b) In order to maximise the effectiveness of the European Centre against Migrant Smuggling, Europol should be able to invite the Commission and the main actors of the European Multidisciplinary Platform Against Criminal Threats (EMPACT), as well as other relevant Union bodies or Agencies, such as the European Union Agency for Asylum, to assist in the activities carried out by the</i></u></p>		

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		<u><i>European Centre against Migrant Smuggling, where the actions required fall within their mandates and when it provides added value. Furthermore, the European Centre against Migrant Smuggling should also be able to cooperate with Immigration Liaison Officers deployed in third countries and, where strictly necessary and proportionate, with the European External Action Service and the Common Security and Defence Policy missions, in line with their respective mandates and always in accordance with Europol's mandate.</i></u>		
Recital 7c				
17e			(7c) Europol should provide Member States' competent authorities with non-personal data (such as relevant crime area, modus operandi, Member States' competent authorities involved) regarding Operational Task Forces and facilitate the communication flow between Member States leading Operational Task Forces and those leading EMPACT operational actions.	
Recital 7c				
17f		<u><i>(7c) To ensure that the tasks and</i></u>		

		ST 11351/24	
Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 7d			
17g			
Recital 8			
18	(8) The transfer of personal data by Europol to third countries may, in	(8) <u>Nevertheless, by way of derogation and in duly justified</u>	<i>deleted</i>



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	<p>the absence of an adequacy decision or of adequate or appropriate data protection safeguards, be carried out in accordance with Article 25(5) of Regulation (EU) 2016/794. In particular, cases of migrant smuggling identified by the European Centre Against Migrant Smuggling that require cooperation with third countries could require transfers of personal data in individual cases for the purpose of prevention, investigation, detection or prosecution of criminal offences, or execution of criminal sanctions.</p>	<p><u>cases</u>, the transfer of personal data by Europol to third countries may, in the absence of an adequacy decision or of adequate or appropriate data protection safeguards, be carried out in accordance with Article 25(5) of Regulation (EU) 2016/794. In particular, cases of migrant smuggling identified by the European Centre Against Migrant Smuggling that require cooperation with third countries could require transfers of personal data in individual cases for the purpose of prevention, investigation, detection or prosecution of criminal offences, or execution of criminal sanctions.</p>		
Recital 9				
19	<p>(9) For the purpose of strengthening operational and technical support to preventing and combating migrant smuggling and trafficking in human beings, the European Centre Against Migrant Smuggling should, for operational tasks, involve liaison officers from the Member States, Eurojust and the European Border and Coast Guard Agency to ensure an effective, timely and systematic coordination and exchange of information on countering migrant smuggling and trafficking in human beings at Union level, ensuring a stronger inter-agency cooperation</p>	<p><i>deleted</i></p>	<p>(9) For the purpose of strengthening operational and technical support to preventing and combating migrant smuggling and trafficking in human beings, the European Centre Against Migrant Smuggling Europol should, for operational tasks, involve invite liaison officers from the Member States, Eurojust and the European Border and Coast Guard Agency to ensure an effective, timely and systematic coordination and exchange of information on countering migrant smuggling and trafficking in human beings at Union level, ensuring a stronger inter-</p>	

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	<p>within their respective competences and with Member States. Other relevant internal structures of Europol should also provide all necessary support. Liaison officers from Eurojust and the European Border and Coast Guard Agency liaison officers should be posted as permanent representatives to Europol for this purpose. Europol should be able to involve other relevant Union bodies or agencies to draw on the expertise falling within their competencies where relevant.</p>		<p>agency cooperation within their respective competences and with Member States. Other relevant internal structures of Europol should also provide all necessary support. Liaison officers from Eurojust and the European Border and Coast Guard Agency liaison officers should be posted as permanent representatives to Europol for this purpose. Europol should be able to involve other relevant Union bodies or agencies to draw on the expertise falling within their competencies where relevant.</p>	
Recital 10				
20	<p>(10) EMPACT brings together a wide range of competent authorities in a partnership approach and constitutes both the framework for a coordinated response against organised and serious international crime and a catalyst to operationalise the Union security policies and strategies. To increase a multidisciplinary, holistic, and consistent response to prevent and combat migrant smuggling and the trafficking in human beings, as well as related crimes and enabling factors, Europol and all key stakeholders should increase their connections within EMPACT and the operational support to the</p>	<p>(10) EMPACT brings together a wide range of competent authorities in a partnership approach and constitutes both the framework for a coordinated response against organised and serious international crime and a catalyst to operationalise the Union security policies and strategies. To increase a multidisciplinary, holistic, and consistent response to prevent and combat migrant smuggling and the trafficking in human beings, as well as related crimes and enabling factors, Europol and all key stakeholders should increase their connections within EMPACT and the operational support to the</p>	<p><i>deleted</i></p>	


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	activities developed by that platform.	activities developed by that platform.		
Recital 11				
21	(11) To ensure the appropriate involvement of judicial authorities in criminal investigations for offences relating to migrant smuggling and trafficking in human beings, the need to strengthen the mandate of Eurojust in relation to migrant smuggling and in relation to the amendments in the Europol mandate should be evaluated as part of the evaluation in accordance with Article 69 (1) Regulation (EU) 2018/1727.	(11) To ensure the appropriate involvement of judicial authorities in criminal investigations for offences relating to migrant smuggling and trafficking in human beings, the need to strengthen the mandate of Eurojust in relation to migrant smuggling and in relation to the amendments in the Europol mandate should be evaluated as part of the evaluation in accordance with Article 69 (1) Regulation (EU) 2018/1727.	<i>deleted</i>	
Recital 12				
22	(12) Europol should be the Union criminal information hub and act as a service provider, in particular by providing a secure network for the exchange of data, such as the secure information exchange network application (SIENA), aimed at facilitating the exchange of information between Member States, Europol, other Union bodies, third countries and international organisations. SIENA should enable swift, secure and user-friendly communication and exchange of operational and strategic crime-related information and intelligence	(12) Europol should be the Union criminal information hub and act as a service provider, in particular by providing a secure network for the exchange of data, such as the secure information exchange network application (SIENA), aimed at facilitating the exchange of information between Member States, Europol, other Union bodies, third countries and international organisations. SIENA should enable swift, secure and user-friendly communication and exchange of operational and strategic crime-related information and intelligence	(12) Europol should be the Union criminal information hub and act as a service provider, in particular by providing a secure network for the exchange of data, such as the secure information exchange network application (SIENA), aimed at facilitating the exchange of information between Member States, Europol, other Union bodies, third countries and international organisations. SIENA should enable swift, secure and user-friendly communication and exchange of operational and strategic crime-related information and intelligence	(12) Europol should be the Union criminal information hub and act as a service provider, in particular by providing a secure network for the exchange of data, such as the secure information exchange network application (SIENA), aimed at facilitating the exchange of information between Member States, Europol, other Union bodies, third countries and international organisations. SIENA should enable swift, secure and user-friendly communication and exchange of operational and strategic crime-related information and intelligence


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	and have a strong focus on interoperability with other systems at Europol and other cooperating states and organisations.	and have a strong focus on interoperability with other systems at Europol and other cooperating states and organisations.	and have a strong focus on interoperability with other systems at Europol and other cooperating states and organisations, including in the context of EMPACT. Usage of SIENA at basic protection level (BPL) is to be regarded as an acceptable standard.	<p>and have a strong focus on interoperability with other systems at Europol and other cooperating states and organisations, in accordance with this Regulation and Directive (EU) 2023/977. [...]</p> <p>Recital still to be discussed. Reference added from EP's drafting on the definition.</p>
Recital 12a				
22a			<p>(12a) Effective law enforcement information sharing includes biometric data (e.g., fingerprints, facial images) as defined in Article 3 (13) of Directive (EU) 2016/680. The effective use of biometric data is key to closing the gaps and blind spots that terrorists and other criminals seek to exploit by hiding behind false or multiple identities. Europol's legal framework already allows the Agency to process biometric data for operational purposes and for preventing or combating crime that falls within its objectives as mentioned under Article 30 (2) of Regulation (EU) 2016/794. However, as highlighted by the European Court of Auditors' special report in 2021 on Europol's support to fight migrant smuggling, there is a need to</p>	

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			enable Europol to use biometric data effectively. Europol should therefore be enabled to process biometric data in order to be able to effectively and efficiently support Member States.	
Recital 13				
23	<p>(13) Active engagement of the Member States and sharing of information with Europol is key to ensuring a comprehensive and coordinated Union approach to countering migrant smuggling. With a view to strengthening Member States' capacities, Member States should designate specialised services for countering migrant smuggling, ensuring that they are adequately resourced to prevent and combat migrant smuggling and can share information on criminal investigations with Europol efficiently and effectively. In order to harmonise the sharing of information between the Member States and Europol on migrant smuggling, Member States should ensure that their designated services for countering migrant smuggling are directly connected to SIENA to facilitate the sharing of information. This is in line with Directive (EU) 2023/977 of the European Parliament and of the Council of 10</p>	<p>(13) Active engagement of the Member States and sharing of information with Europol is key to ensuring a comprehensive and coordinated Union approach to countering migrant smuggling. With a view to strengthening <u>For the purposes of the work of the European Centre against Migrant Smuggling, and in particular, to allow the Centre to support the Member States' capacities by coordinating and implementing investigative and operational actions</u>, Member States should designate specialised services for countering migrant smuggling, ensuring that they are adequately resourced <u>seek to establish or strengthen dedicated structures or mechanisms within their competent authorities</u> to prevent and combat migrant smuggling and can share information on criminal investigations with Europol efficiently and effectively <u>trafficking in human beings</u>. In order to</p>	<p>(13) The active engagement involvement of the Member States and the sharing of information with Europol is key to ensuring are essential to provide a comprehensive and coordinated Union EU approach to countering the fight against migrant smuggling. With a view to strengthening Member States' capacities To this end, Member States should designate specialised services for countering are encouraged to set up central services for countering specialized in the fight against migrant smuggling, ensuring that they are adequately resourced providing that these services have sufficient resources to prevent and combat migrant smuggling and can share information on criminal investigations with Europol efficiently and effectively. In order to harmonise the sharing of information between the Member States and Europol on migrant smuggling, Member States should</p>	


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	<p>May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA. Member States' immigration liaison officers posted in third countries should also share information with Europol; for this purpose, they should also be connected to SIENA in order to ensure that they can carry out the sharing of information referred to in paragraph 1 in an efficient and effective manner.</p>	<p>harmonise the sharing of information between the Member States and Europol on migrant smuggling, Member States should <u>aim to</u> ensure that their designated services for countering <u>all relevant information for preventing and combating</u> migrant smuggling are directly connected to SIENA to facilitate the sharing of <u>and trafficking in human beings, including verified</u> information <u>transmitted by Immigration Liaison Officers deployed in third countries that falls within the scope of Europol's legal framework, is shared with Europol and other Member States in a timely and effective manner, using the Secure Information Exchange Network Application (SIENA)</u>. This is in line with Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA. Member States' immigration liaison officers posted in third countries should also share information with Europol; for this purpose, they should also be connected to SIENA in order to ensure that they can carry out the</p>	<p>ensure that their designated services for countering migrant smuggling are directly connected to SIENA to facilitate the sharing of information. This is in line with Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA. Member States' immigration liaison officers posted in third countries should also share information with Europol; for this purpose, they should also be connected to SIENA in order to ensure that they can carry out the sharing of information referred to in paragraph 1 in an efficient and effective manner.</p>	

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		<i>sharing of information referred to in paragraph 1 in an efficient and effective manner.</i>		
Recital 13a				
23a			(13a) Member States' immigration liaison officers posted in third countries under the Regulation (EU) 2019/1240, should also share information with Europol; for this purpose, they should- unless legal, organisational or technical reasons render such a connection not feasible - also be connected to SIENA. Member States are free to decide on whether they allow information from their immigration liaison officers to be sent to Europol. Information originating from immigration liaison officers should be sent using SIENA.	
Recital 14				
24	(14) In order to ensure efficient sharing of information related to migrant smuggling among Member States and with Europol, especially in case of large criminal networks involving numerous suspects, Member States should employ the most appropriate supporting tools provided by Europol such as dedicated data loaders. Conversely, and so as to access and make the	(14) In order to ensure efficient sharing of information related to migrant smuggling among Member States and with Europol, especially in case of large criminal networks involving numerous suspects, Member States should employ the most appropriate supporting tools provided by Europol <i>such as dedicated data loaders. Conversely, and so as to access and make the</i>	<i>deleted</i>	

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	<p>best use of all information and intelligence available at Union level on the corresponding cases, and in full respect of the appropriate data protection safeguards, Member States and Union agencies should systematically consult Europol information in the course of ongoing investigations related to migrant smuggling, including by using the hit/no hit tools provided by Europol such as the Querying Europol Systems (QUEST+) technical system interface.</p>	<p>best use of all information and intelligence available at Union level on the corresponding cases, and in full respect of the appropriate data protection safeguards, Member States and Union agencies should systematically consult Europol information in the course of ongoing investigations related to migrant smuggling, including by using the hit/no hit tools provided by Europol such as the Querying Europol Systems (QUEST+) technical system interface.</p>		
<i>Recital 14a</i>				
24a		<p><u>(14a) Effective and efficient exchange, comparison and analysis of biometric data will enhance the detection of identity fraud and the preventing and combating of crimes that fall within Europol's objectives, including migrant smuggling and trafficking in human beings. Therefore, it should be ensured that the processing of biometric data is more clearly included as part of Europol's tasks in supporting the Member States. Any processing of biometric data should be in line with the existing safeguards set out in Regulation 2016/794 and Regulation 2018/1725 and should be strictly necessary and proportionate to the</u></p>		

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
		<p><u><i>objective pursued. Particular attention should be given to the establishment of appropriate quality standards applicable to the processing and storage of biometric data. These quality standards should be consistent with the relevant minimum quality standards set out under Union law in respect of comparable biometric data processing to ensure an equivalent quality level, including notably the minimum quality standards established by the Commission pursuant to Articles 8, 13 and 22 of Regulation (EU) 2024/982^{1a1a}.</i></u></p> <p><u><i>1a. Regulation (EU) 2024/982 of the European Parliament and of the Council of 13 March 2024 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation).</i></u></p>		
Recital 14b				
24b		<p><u><i>(14b) Europol and the competent authorities of the Member States should be encouraged to cooperate on investigations on migrant smuggling and trafficking in human beings, including when these criminal offences are</i></u></p>		


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		<u>committed using the internet, such as through social media platforms.</u>		
Recital 14c				
24c		<u>(14c) It should be clarified that Europol staff may themselves, under certain conditions, implement investigative measures that relate to data processing and the rules for implementing such investigative measures should be laid out. Such measures should only be possible when they are carried out in liaison and in agreement with the competent authorities of the Member State concerned, are in accordance with Regulation 2016/794 and the national law of the Member State concerned, and are authorised by the Executive Director.</u>		
Recital 15				
25	(15) To prevent, detect and investigate cross-border serious organised crime and terrorism, coordination and concerted action is necessary. In addition to the possibility of the Member State to set up a joint investigation team in accordance with Council Framework Decision of 13 June 2002, Member States should be able to set up an operational task force to reinforce law enforcement cooperation with	(15) To prevent, detect and investigate cross-border serious organised crime and terrorism <u>migrant smuggling and trafficking in human beings</u> , coordination and concerted action is necessary. In addition to the possibility of the <u>For this purpose,</u> Member State to <u>States may</u> set up a joint investigation team in accordance with Council Framework Decision of 13 June 2002, Member	<i>deleted</i>	

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	<p>the support of Europol. This coordination mechanism among Member States' police authorities and other law enforcement services should, with the support of Europol, enable them to conduct joint, coordinated and prioritised criminal intelligence activities and investigations notably on criminal networks and groups as well as individual criminal actors, including persons whose criminal activities fall within the forms of crime for which Europol is competent and who constitute a high risk for security. In order to ensure the well-functioning and the effectiveness of that mechanism, Member States setting up, participating in, or supporting an operational task force should be able to ensure a minimum set of requirements concerning their active and timely involvement, such as providing all relevant information to Europol, and Europol should be able to make available its advanced analytical, operational, technical, forensic and financial support to those Member States. Third countries should be able to participate in or support an operational task force.</p>	<p>States should be able to set up an operational task force to reinforce law enforcement cooperation including with the support of Europol. This coordination mechanism among Member States' police authorities and other law enforcement services should, with the support of Europol, enable them to conduct joint, coordinated and prioritised criminal intelligence activities and investigations notably on criminal networks and groups as well as individual criminal actors, including persons whose criminal activities fall within the forms of crime for which <u>Where</u> Europol is competent and who constitute a high risk for security. In order to ensure the well-functioning and the effectiveness of that mechanism <u>has reason to believe that setting up a Joint Investigation Team would add value to an investigation into migrant smuggling and trafficking in human beings, it should propose this to the</u> Member States <u>concerned and take measures to assist them in</u> setting up, participating in, or supporting an operational task force should be able to ensure a minimum set of requirements concerning their active and timely involvement, such as providing all relevant information to Europol <u>the joint investigation</u></p>		

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		<u>team, in accordance with Article 5 of Regulation (EU) 2016/794. In such cases,</u> and Europol should be able to make available its advanced analytical, operational, technical, forensic and financial support to those Member States <u>closely liaise with Eurojust.</u> Third countries should be able to participate in or support an operational task force.		
Recital 16				
26	(16) Where the criminal intelligence activities carried out in an operational task force result in the opening of criminal investigations in one or more Member States that may benefit from setting up a joint investigation team, or where the criminal investigations supported by an operational task force may benefit from setting up a joint investigation team, Europol should propose the setting up of a joint investigation team to the Member States concerned and take measures to assist them in accordance with Article 5 of Regulation (EU) 2016/794. In such cases, Europol should closely liaise with Eurojust, where appropriate.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Recital 17				
27	(17) Europol should be able to deploy staff including seconded	<i>deleted</i>	(17) Europol should be able to deploy staff including seconded	

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	<p>national experts in accordance with Regulation (EU) 2016/794 in the territory of a Member State upon request of that Member State, to provide analytical, operational, technical and forensic support in liaison and in agreement with the competent authorities of that Member State. These deployments should notably take place in the context of complex, large-scale and high-profile investigations, including in the context of joint investigation teams, in liaison with Eurojust where appropriate, or operational task forces. These deployments should also support further security checks against Europol or national databases in order to facilitate rapid information exchange to strengthen controls at the Union’s external borders (secondary security checks), or migration management support teams in accordance with Regulation (EU) 2019/1896 of the European Parliament and of the Council¹. Europol should also make use of these deployments to support Member States in relation to major international events. Europol should also be able to deploy staff and seconded national experts in third countries with which it cooperates on the basis of an adequacy decision, an international agreement</p>		<p>national experts in accordance with Regulation (EU) 2016/794 in the territory of a Member State upon request of that Member State, to provide analytical, operational, technical and forensic support in liaison and in agreement with the competent authorities of that Member State. Europol should set up a voluntary reserve pool for the purpose of Europol deployments for operational support. When an operational deployment is approved, Europol should request the deployment of the expert to his national authority, which may refuse on the basis of the expert's own availability or for urgent needs in the context of their own national situation. These deployments should notably take place in the context of complex, large-scale and high-profile investigations, including in the context of joint investigation teams; in liaison with Eurojust where appropriate, or operational task forces. These deployments should also support further security checks against Europol or national databases in order to facilitate rapid information exchange to strengthen controls at the Union’s external borders (secondary security checks), or migration management support</p>	

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	<p>concluded between the Union and that third country pursuant to Article 218 TFEU, or a cooperation agreement between Europol and that third country concluded before 1 May 2017.</p> <p>1. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).</p>		<p>teams in accordance with Regulation (EU) 2019/1896 of the European Parliament and of the Council¹. Europol should also make use of these deployments to support Member States in relation to major international events. Europol should also be able - exceptionally and after approval of the its Management Board - to deploy staff and seconded national experts in third countries with which it cooperates on the basis of an adequacy decision, an international agreement concluded between the Union and that third country pursuant to Article 218 TFEU, or a cooperation agreement between Europol and that third country concluded before 1 May 2017.</p> <p>1. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).</p>	
Recital 18				
28	(18) In order to ensure that Europol can provide effective support by way of deployment, the host Member State should be able to ensure a minimum set of requirements such	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	<p>as providing all relevant information to Europol. Europol should be able to deploy staff and seconded national experts rapidly, even in exceptional cases of urgency. The deployed Europol staff and seconded national experts should be able to carry out investigative non-coercive measures that relate to data processing in liaison and in agreement with the competent authorities of the Member State concerned, and in accordance with Regulation (EU) 2016/794 and that Member State's national law.</p>			
<i>Recital 19</i>				
29	<p>(19) Furthermore, in the context of Europol deployments for operational support, Europol should set up a reserve pool of Member States' highly qualified law enforcement experts with specialised profiles that can be placed at the immediate disposal of Europol for operational deployment to provide specialised support. The experts' reserve pool should include specialists in criminal analysis, forensics, investigation, languages and coordination. The Member States should ensure that their experts are available to take part, as seconded national experts, in Europol deployments for operational support, at the request of Europol.</p>	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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	That obligation should not apply to third countries where Europol deploys staff and seconded national experts for operational support.			
<i>Recital 19a</i>				
29a		<p><u><i>(19a) Recalling Recital 59 of Regulation 2016/794, the principle of rotation should be codified in terms of the maximum fixed contract duration of ten years for the overall term of service at Europol, irrespective of the number of contracts entered into for establishment plan posts which can be filled only by staff from the competent authorities of the Member States. This codification will provide social security to such staff by allowing for the obtention of a minimum pension entitlement as a result of their service for Europol and facilitate the reintegration of such staff members into the service at national level. The corresponding transitional arrangements will allow for contracts of staff who are in their ninth year of service at Europol and that were concluded before the entry into force of this Regulation to be extended to the maximum fixed duration of ten years.</i></u></p>		
<i>Recital 20</i>				

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30	<p>(20) The reinforcement of Europol’s legal framework provides an opportunity to clarify that Europol’s objectives should also expressly cover violations of Union restrictive measures. Union restrictive measures are an essential tool for safeguarding the Union’s values, security, independence and integrity, consolidating and supporting democracy, the rule of law, human rights and the principles of international law and maintaining international peace, preventing conflicts and strengthening international security in line with the aims and principles of the United Nations Charter. Violations of Union restrictive measures therefore constitute a form of crime which affects a common interest covered by Union policy, and in relation to which Europol should have competence to act in order to support and strengthen action by the Member States.</p>	<p>(20) The reinforcement of Europol’s legal framework provides an opportunity to clarify that Europol’s objectives should also expressly cover violations of Union restrictive measures <u>in line with Directive (EU) 2024/1226</u>. Union restrictive measures are an essential tool for safeguarding the Union’s values, security, independence and integrity, consolidating and supporting democracy, the rule of law, human rights and the principles of international law and maintaining international peace, preventing conflicts and strengthening international security in line with the aims and principles of the United Nations Charter. Violations of Union restrictive measures therefore constitute a form of crime which affects a common interest covered by Union policy, and in relation to which Europol should have competence to act in order to support and strengthen action by the Member States. <u>To ensure the effective investigation and prosecution of violations of Union restrictive measures, Member States’ competent authorities should cooperate with each other through and with Europol, Eurojust and the European Public Prosecutor’s Office, within their</u></p>	<p>(20) The reinforcement of Europol’s legal framework provides an opportunity to clarify that Europol’s objectives should also expressly cover violations of Union restrictive measures. As laid down under the EU Directive 2024/1226. The Union restrictive measures are an essential tool for safeguarding the Union’s values, security, independence and integrity, consolidating and supporting democracy, the rule of law, human rights and the principles of international law and maintaining international peace, preventing conflicts and strengthening international security in line with the aims and principles of the United Nations Charter. While this specific criminal offence is not currently covered by Annex I of Regulation 2016/794, Europol nevertheless already supported Member States’ investigations in targeting criminal assets owned by individuals and legal entities subject to EU sanctions or criminal investigations linked the circumvention of EU-imposed trade and economic sanctions. Since violations of Union restrictive measures therefore constitute a form of crime which affects a common interest covered by Union</p>	

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		<u>respective competences and in accordance with the applicable legal framework.</u>	policy, and in relation to which and constitute a form of crime Member States are increasingly confronted against, Europol should therefore have ahave competence to act in order to support and strengthen action conducted by the Member States.	
Recital 21				
31	(21) [In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation.] OR	(21) f In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation. f-OR	(21) {In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation.}OR	(21) f In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation. f-OR Text Origin: Council Mandate
Recital 22				
32	(22) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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	part in the adoption of this Regulation and is not bound by it or subject to its application.]			
<i>Recital 23</i>				
33	(23) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(23) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(23) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(23) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. <small>Text Origin: Commission Proposal</small>
<i>Recital 23a</i>				
33a		<u><i>(23a) This Regulation has implications for the Union budget. Accordingly, the European Parliament's Committee on Budgets adopted a budgetary assessment, which forms an integral part of Parliament's mandate for negotiations.</i></u>		
<i>Recital 24</i>				
34	(24) [The European Data Protection Supervisor was consulted, in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ , and has delivered an opinion on [...] ² .	(24) f The European Data Protection Supervisor was consulted, in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ³ , and has delivered an opinion on f... ² <u>23 January 2024⁴</u> .	(24) f The European Data Protection Supervisor was consulted, in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ¹ , and has delivered an opinion on f... ² 23 January 2024² .	

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	<p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</p> <p>2. OJ C ...</p>	<p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</p> <p><u>3. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</u></p> <p>2. OJ C ...</p> <p><u>4. European Data Protection Supervisor Opinion 4/2024, https://www.edps.europa.eu/system/files/2024-01/2023-1247_d0187_opinion_en.pdf</u></p>	<p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).</p> <p>2. OJ C ...</p>	
Recital 25				
35	<p>(25) Since the objectives of this Regulation to reinforce the prevention, detection and investigation of migrant smuggling and trafficking in human beings cannot be sufficiently achieved by the Member States acting alone given the cross-border nature of these crimes, but can rather, by reason of the effects of cooperation and information sharing, be better</p>	<p>(25) Since the objectives of this Regulation to reinforce the prevention, detection and investigation of migrant smuggling and trafficking in human beings cannot be sufficiently achieved by the Member States acting alone given the cross-border nature of these crimes, but can rather, by reason of the effects of cooperation and information sharing, be better</p>	<p>(25) Since the objectives of this Regulation to reinforce the prevention, detection and investigation of migrant smuggling and trafficking in human beings cannot be sufficiently achieved by the Member States acting alone given the cross-border nature of these crimes, but can rather, by reason of the effects of cooperation and information sharing, be better</p>	<p>(25) Since the objectives of this Regulation to reinforce the prevention, detection and investigation of migrant smuggling and trafficking in human beings cannot be sufficiently achieved by the Member States acting alone given the cross-border nature of these crimes, but can rather, by reason of the effects of cooperation and information sharing, be better</p>

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	achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives. Text Origin: Commission Proposal
Recital 26				
36	(26) This Regulation fully respects the fundamental rights and safeguards, and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'), in particular the right to respect for private and family life and the right to the protection of personal data as provided for by Articles 7 and 8 of the Charter, as well as by Article 16 of the Treaty on the Functioning of the European Union.	(26) This Regulation fully respects the fundamental rights and safeguards, and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'), in particular the right to respect for private and family life and the right to the protection of personal data as provided for by Articles 7 and 8 of the Charter, as well as by Article 16 of the Treaty on the Functioning of the European Union.	(26) This Regulation fully respects the fundamental rights and safeguards, and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'), in particular the right to respect for private and family life and the right to the protection of personal data as provided for by Articles 7 and 8 of the Charter, as well as by Article 16 of the Treaty on the Functioning of the European Union.	(26) This Regulation fully respects the fundamental rights and safeguards, and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'), in particular the right to respect for private and family life and the right to the protection of personal data as provided for by Articles 7 and 8 of the Charter, as well as by Article 16 of the Treaty on the Functioning of the European Union. Text Origin: Commission Proposal
Recital 27				
37	(27) Regulation (EU) 2016/794 should therefore be amended	(27) Regulation (EU) 2016/794 should therefore be amended	(27) Regulation (EU) 2016/794 should therefore be amended	(27) Regulation (EU) 2016/794 should therefore be amended

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	accordingly,	accordingly,	accordingly,	accordingly, <small>Text Origin: Commission Proposal</small>
Formula				
38	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: <small>Text Origin: Commission Proposal</small>
Chapter I				
39	Chapter I GENERAL PROVISIONS	Chapter I <i>deleted</i>	<i>deleted</i>	Chapter I <i>deleted</i>
Article 1				
40	Article 1 Subject matter and scope	Article 1 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 1, first paragraph				
41	This Regulation lays down rules to enhance police cooperation and the support of the European Union Agency for Law Enforcement Cooperation (Europol) in preventing and combating migrant smuggling and trafficking in human beings, by:	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 1, first paragraph, point (a)				
42	(a) establishing a European Centre Against Migrant Smuggling within	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	Europol and a governance framework to regulate and support its activities;			
<i>Article 1, first paragraph, point (b)</i>				
43	(b) enhancing cooperation and coordination between the Member States, Europol and other Union agencies;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 1, first paragraph, point (c)</i>				
44	(c) reinforcing the exchange of information between the Member States and with Europol;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 1, first paragraph, point (d)</i>				
45	(d) providing Europol with the necessary tools to support and strengthen actions by the competent authorities of the Member States and their mutual cooperation in preventing and combating criminal offences falling within Europol's objectives;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 1, first paragraph, point (e)</i>				
46	(e) enhancing cooperation between Europol and third countries.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 2</i>				
47	Article 2 Definitions	Article 2 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
<i>Article 2, first paragraph</i>				
48	For the purposes of this Regulation, the following definitions apply:	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 2, first paragraph, point (1)</i>				
49	(1) ‘migrant smuggling’ means any of the activities referred to in Articles 3, 4 and 5 of Directive [XXX] [laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA] ¹ ; ¹ . [please add the title and the publication reference]	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 2, first paragraph, point (2)</i>				
50	(2) ‘trafficking in human beings’ means any of the activities referred to in Articles 2 and 3 of Directive 2011/36/EU of the European Parliament and of the Council ¹ ; ¹ . Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1, ELI: http://data.europa.eu/eli/dir/2011/36/oj).	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 2, first paragraph, point (3)</i>				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
51	(3) ‘competent authorities’ means the competent authorities of the Member States defined in Article 2, point (a), of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 2, first paragraph, point (4)</i>				
52	(4) ‘immigration liaison officer’ means a liaison officer deployed in a third country by the competent authorities of a Member State, in accordance with its national law, to deal with immigration-related issues, including when those issues are only a part of the liaison officer’s duties.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Chapter II</i>				
53	Chapter II GOVERNANCE FRAMEWORK OF THE EUROPEAN CENTRE AGAINST MIGRANT SMUGGLING	Chapter II <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 3</i>				
54	Article 3 European Centre Against Migrant Smuggling	Article 3 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 3, first paragraph</i>				
55	The European Centre Against Migrant Smuggling is established within Europol as a Union centre of specialised expertise as referred to in Article 4(1), point (l), of Regulation	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	(EU) 2016/794. It shall support Member States in the prevention and combating of migrant smuggling and trafficking in human beings and shall perform the tasks set out in Articles 5 and 6.			
<i>Article 4</i>				
56	Article 4 Composition of the European Centre Against Migrant Smuggling	Article 4 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(1), first subparagraph</i>				
57	1. The European Centre Against Migrant Smuggling shall be composed of Europol staff and involve representatives of the following entities in carrying out the strategic tasks referred to in Article 5:	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(1), first subparagraph, point (a)</i>				
58	(a) a representative of each Member State, from a national specialised service referred to in Article 7;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(1), first subparagraph, point (b)</i>				
59	(b) a representative of Eurojust;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(1), first subparagraph, point (c)</i>				
60	(c) a representative of the European Border and Coast Guard Agency;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
<i>Article 4(1), first subparagraph, point (d)</i>				
61	(d) at the discretion of Europol and, after consultation of the Member States, one or more representatives involved in the operational implementation of the strategic and operational priorities of the Union for combating migrant smuggling and trafficking in human beings, in particular in the European Multidisciplinary Platform Against Criminal Threats (EMPACT).	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(1), second subparagraph</i>				
62	The European Centre Against Migrant Smuggling shall hold a meeting of the entities referred to in points (a) to (d) at least twice a year and the Commission shall participate in such meeting.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(1), third subparagraph</i>				
63	Europol may invite other entities to be involved in carrying out the activities referred to in Article 5, including other relevant Union bodies or agencies.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(2), first subparagraph</i>				
64	2. The European Centre Against Migrant Smuggling shall be composed of Europol staff and involve representatives of the	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	following entities in carrying out the operational tasks referred to in Article 6:			
<i>Article 4(2), first subparagraph, point (a)</i>				
65	(a) for each Member State a liaison officer referred to in Article 8 of Regulation (EU) 2016/794 specifically designated to deal with migrant smuggling;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(2), first subparagraph, point (b)</i>				
66	(b) a liaison officer of Eurojust as a permanent representative at Europol;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(2), first subparagraph, point (c)</i>				
67	(c) a liaison officer of the European Border and Coast Guard Agency as a permanent representative at Europol.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(2), second subparagraph</i>				
68	Europol may invite other entities to be involved in carrying out the activities referred to in Article 6, including other relevant Union bodies or agencies.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 4(3)</i>				
69	3. For the purpose of paragraph 2 of this Article, and in accordance with Article 4(1), point (g), of Regulation (EU) 2018/1727 of the European Parliament and of the Council ¹ , Eurojust shall deploy a liaison	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	<p>officer, acting in accordance with that Regulation, to the European Centre Against Migrant Smuggling.</p> <p>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138, ELI: http://data.europa.eu/eli/reg/2018/1727/oj).</p>			
Article 4(4)				
70	<p>4. For the purposes of paragraph 2 of this Article as well as Article 68(1), point (b), Article 87(1), point (d) and Article 90 of Regulation (EU) 2019/1896, and in accordance with Article 68(2) and (5) of that Regulation, the European Border and Coast Guard Agency shall deploy a liaison officer, acting in accordance with that Regulation, to the European Centre Against Migrant Smuggling.</p>	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 4(5)				
71	<p>5. For the purposes of paragraphs 1 and 2, and to facilitate the fulfilment of the strategic and operational tasks set out in Articles 5 and 6 of this Regulation, the European Centre Against Migrant Smuggling shall be provided with the necessary support by all other relevant parts of Europol's internal structures.</p>	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
<i>Article 5</i>				
72	Article 5 Strategic tasks of the European Centre Against Migrant Smuggling	Article 5 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph</i>				
73	The strategic tasks of the European Centre Against Migrant Smuggling shall be the following:	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (a)</i>				
74	(a) providing strategic analyses and threat assessments to assist the Council and the Commission in laying down strategic and operational priorities of the Union for the prevention and combating of migrant smuggling and trafficking in human beings, in accordance with Article 4(2) of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (b)</i>				
75	(b) providing a framework to support the operational implementation of the strategic and operational priorities of the Union for the prevention and combating of migrant smuggling and trafficking in human beings, in particular in the framework of the EMPACT, in accordance with Article 4(2) of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (c)</i>				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement	
6	76	(c) supporting the coordination, cooperation and exchange of information on migrant smuggling and trafficking in human beings between Union agencies, notably with the European Border and Coast Guard Agency, Eurojust and, where appropriate, other relevant Union bodies or agencies, in line with their respective legal frameworks, including through working arrangements between them, in accordance with Article 4(1), point (j), of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (d)</i>					
6	77	(d) monitoring migrant smuggling and trafficking in human beings taking place in the Union and in third countries, in cooperation with Member States, relevant Union bodies or agencies and, where appropriate, third countries, in accordance with Article 4(1), point (f), of Regulation (EU) 2016/794, and regularly providing information to the Member States and the Commission, including aggregated statistical data and situational updates derived from information shared by Member States;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (e)</i>					
6	78	(e) providing strategic analyses and threat assessments to support the	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementation of operational task forces referred to in Article 5a of Regulation (EU) 2016/794 and Europol deployments for operational support referred to in Article 5b of Regulation (EU) 2016/794, in accordance with Article 4(1), point (f), of Regulation (EU) 2016/794;			
<i>Article 5, first paragraph, point (f)</i>				
79	(f) providing strategic analyses and threat assessments to support the implementation of Article 6(1) of Regulation (EU) 2016/794 on requesting the initiation of a criminal investigation into migrant smuggling and trafficking in human beings, in accordance with Article 4(1), point (f), of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (g)</i>				
80	(g) providing strategic analyses and threat assessments to Member States and the Commission as well as relevant Union agencies or bodies, where appropriate, on routes and modi operandi of migrant smuggling and trafficking in human beings, including on indications that private parties may be used for migrant smuggling and trafficking in human beings, in accordance with Article 4(1), point (f), of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (h)</i>				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
81	(h) providing strategic analyses and threat assessments to Member States and the Commission as well as relevant Union agencies or bodies, where appropriate, on the prevention and combating of migrant smuggling and trafficking in human beings, in accordance with Article 4(1), point (f), of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 5, first paragraph, point (i)</i>				
82	(i) preparing an annual report on migrant smuggling and on trafficking in human beings, identifying the main operational priorities and possible related actions at Union level, in accordance with Article 4(1), point (f), of Regulation (EU) 2016/794.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6</i>				
83	Article 6 Operational tasks of the European Centre Against Migrant Smuggling	Article 6 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6, first paragraph</i>				
84	The operational tasks of the European Centre Against Migrant Smuggling shall be the following:	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6, first paragraph, point (a)</i>				
85	(a) coordinating, organising and implementing investigative and operational actions to support and	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	strengthen actions by the competent authorities of the Member States in preventing and combating migrant smuggling and trafficking in human beings, including when these crimes are facilitated, promoted or committed using the internet, including social media, and including in the context of Europol deployments for operational support, in accordance with Article 4(1), points (c) and (m), of Regulation (EU) 2016/794;			
<i>Article 6, first paragraph, point (b)</i>				
86	(b) supporting Member States' cross-border information exchange activities, operations and investigations, as well as joint investigation teams and operational task forces, on migrant smuggling and trafficking in human beings, including by providing analytical, operational, technical, forensic and financial support, in accordance with Article 4(1), point (h), of Regulation (EU) 2016/794;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6, first paragraph, point (c)</i>				
87	(c) providing administrative, logistical, financial and operational support to operational activities led by Member States, in particular in the framework of EMPACT, in accordance with Article 4(2) of	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) 2016/794;			
<i>Article 6, first paragraph, point (d)</i>				
88	(d) supporting the Europol Executive Director in evaluating, in accordance with Article 5b(3) of Regulation (EU) 2016/794, requests made by Member States for Europol deployments for operational support related to migrant smuggling and trafficking in human beings, including in the prioritisation of such requests based on operational needs;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6, first paragraph, point (e)</i>				
89	(e) identifying cases of migrant smuggling and trafficking in human beings that may require the setting up of an operational task force in accordance with Article 5a of Regulation (EU) 2016/794, and informing the Europol Executive Director of such cases;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6, first paragraph, point (f)</i>				
90	(f) identifying cases of migrant smuggling and trafficking in human beings that may require Europol deployments for operational support in accordance with Article 5b of Regulation (EU) 2016/794, and informing the Europol Executive Director of such cases;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6, first paragraph, point (g)</i>				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
91	(g) identifying cases of migrant smuggling and trafficking in human beings that may require the application of Article 6 of Regulation (EU) 2016/794 on requests by Europol for the initiation of a criminal investigation and informing the Europol Executive Director of such cases;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 6, first paragraph, point (h)</i>				
92	(h) identifying cases of migrant smuggling and trafficking in human beings that may require cooperation with third countries, including by exchanging personal data.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Chapter III</i>				
93	Chapter III COOPERATION BETWEEN MEMBER STATES AND EUROPOL ON PREVENTING AND COMBATING MIGRANT SMUGGLING AND TRAFFICKING IN HUMAN BEINGS	Chapter III <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 7</i>				
94	Article 7 National specialised services to prevent and combat migrant smuggling and trafficking in human beings	Article 7 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 7(1)</i>				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
95	1. Each Member State shall designate, one year after the entry into force of this Regulation at the latest, one or more specialised services within its competent authorities, in accordance with national law, to prevent and combat migrant smuggling and trafficking in human beings, including through criminal investigations. Each Member State shall immediately after such designation inform the Commission thereof.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 7(2)</i>				
96	2. Each Member State shall ensure that its specialised services designated in accordance with paragraph 1 of this Article collect all relevant information concerning and resulting from criminal investigations into migrant smuggling and trafficking in human beings and share such information as soon as possible with Europol and other Member States in accordance with Article 8.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 7(3)</i>				
97	3. Each Member State shall connect, one year after the entry into force of this Regulation at the latest, its specialised services designated in accordance with paragraph 1 of this Article directly to Europol's Secure	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	Information Exchange Network Application (SIENA) referred to in Article 2, point (w), of Regulation (EU) 2016/794. Each Member State shall immediately after such connection inform the Commission thereof.			
<i>Article 7(4)</i>				
98	4. Each Member State shall provide its specialised services designated in accordance with paragraph 1 with adequate resources to ensure that those specialised services are equipped to prevent and combat effectively migrant smuggling and trafficking in human beings, and to collect and share information in accordance with paragraph 2 in an effective and efficient manner.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 7(5)</i>				
99	5. Each Member State shall make available an appropriate number of staff members of the specialised services designated in accordance with paragraph 1 of this Article for the reserve pool referred to in Article 5b(6) of Regulation (EU) 2016/794, so that those staff members can participate in Europol deployments for operational support as seconded national experts.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 8</i>				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
100	Article 8 Provision of information concerning criminal offences on migrant smuggling and trafficking in human beings to Europol and the Member States	Article 8 <i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 8(1)</i>				
101	1. Each Member State shall, in accordance with Regulation (EU) 2016/794, provide Europol with information held by its competent authorities and relating to criminal offences on migrant smuggling and trafficking in human beings.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 8(2)</i>				
102	2. Each Member State shall provide the information referred to in paragraph 1 of this Article to Europol in a timely manner.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 8(3)</i>				
103	3. Each Member State shall provide other Member States and, at the same time, Europol with information held by its competent authorities and relating to criminal offences on migrant smuggling and trafficking in human beings where there are objective reasons to believe that such information could be relevant to those other Member States for the purpose of preventing, detecting or investigating such criminal offences	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	in those Member States.			
<i>Article 8(4)</i>				
104	4. Each Member State shall use SIENA to provide the information referred to in paragraph 3 of this Article to other Member States and Europol, in accordance with Article 8(4) and Article 18(2), point (d), of Regulation (EU) 2016/794.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 8(5)</i>				
105	5. Each Member State shall connect its immigration liaison officers to SIENA. Where it is not possible to connect an immigration liaison officer to SIENA due to imperative technical reasons related to the situation in the third country of deployment, that immigration liaison officer shall submit the information referred to in paragraph 1 to a national competent authority through other secure channels. That competent authority shall provide the information to Europol, directly or through the Europol national unit, using SIENA.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Chapter IV</i>				
106	Chapter IV ENHANCING EUROPOL'S SUPPORT TO COMBATING MIGRANT SMUGGLING AND TRAFFICKING IN HUMAN	Chapter IV <i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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	BEINGS			
Article 9				
107	Article 9 Amendments to Regulation (EU) 2016/794	Article 9 Amendments to Regulation (EU) 2016/794	Article 91 Amendments to Regulation (EU) 2016/794	Article 91 Amendments to Regulation (EU) 2016/794 Text Origin: Council Mandate
Article 9, first paragraph				
108	Regulation (EU) 2016/794 is amended as follows:	Regulation (EU) 2016/794 is amended as follows:	Regulation (EU) 2016/794 is amended as follows:	Regulation (EU) 2016/794 is amended as follows: Text Origin: Commission Proposal
Article 9, first paragraph, point (1)				
109	(1) in Article 2, the following points (w), (x) and (y) are added:	(1) in Article 2, the following points (w), (x) and (y) and (ya) are added:	(1) in Article 2, the following points (w), (x), (y) and (z) and (y) are added:	
Article 9, first paragraph, point (1), amending provision, numbered paragraph (w)				
110	(w) 'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information;	(w) 'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information <u>in accordance with this Regulation and Directive (EU) 2023/977</u> ;	(w) 'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information;	(w) 'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information; EP additional wording to be added as part of Recital 12 Text Origin: Council Mandate
Article 9, first paragraph, point (1), amending provision, numbered paragraph (x)				
111	(x) 'operational task force' means a coordination mechanism set up by	<i>deleted</i>	(x) 'operational task force' means a coordination mechanism	

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
	Member States among their competent authorities with the support of Europol to conduct joint, coordinated and prioritised criminal intelligence activities and investigations into a crime falling within the scope of Europol’s objectives that requires coordinated and concerted action;		temporary group set up by Member States among their competent authorities with the support of Europol to conduct facilitate joint, coordinated and prioritised criminal intelligence exchange activities and investigations into a crime falling within the scope of Europol’s objectives that requires coordinated and concerted action;	
Article 9, first paragraph, point (1), amending provision, numbered paragraph (y)				
112	(y) ‘Europol deployment for operational support’ means the deployment of Europol staff or seconded national experts in the territory of a Member State, upon request of that Member State, to provide analytical, operational, technical and forensic support in liaison and in agreement with the competent authorities of that Member State.;	<i>deleted</i>	(y) ‘Europol deployment for operational support’ means the deployment of Europol staff or seconded national experts in the territory of a Member State or a third country , upon request of that Member State or third country , to provide analytical, operational, technical and forensic support under the conditions laid down by the national law of the requesting Member State or third country , in liaison and in agreement with the competent authorities of that Member State: or third country ;	
Article 9, first paragraph, point (1), amending provision, numbered paragraph (ya)				
112a		<u><i>(ya) ‘immigration liaison officer’ means a liaison officer deployed in a third country by the competent authorities of a Member State, in accordance with its national law, to deal with immigration-related</i></u>	(z) ‘immigration liaison officer’ means a liaison officer of a Member State designated and deployed under the Regulation (EU) 2019/1240 on the creation of a European network of	Pending further discussions

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		<u><i>issues, including where those issues are only a part of the liaison officer's duties.'</i></u>	immigration liaison officers, in a third country by the competent authorities of a Member State within the meaning of Article 2 (a) of this Regulation, in accordance with respective national legal basis, to deal with immigration-related issues, also when that is only a part of their duties.'	
Article 9, first paragraph, point (2)				
113	(2) Article 4 is amended as follows:	(2) Article 4 is amended as follows:	(2) Article 4 is amended as follows:	(2) Article 4 is amended as follows: <small>Text Origin: Commission Proposal</small>
Article 9, first paragraph, point (2)(a)				
114	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows: <small>Text Origin: Commission Proposal</small>
Article 9, first paragraph, point (2)(a)(i)				
115	(i) point (c) is replaced by the following:	<i>deleted</i>	(i) point (c) is replaced by the following:	
Article 9, first paragraph, point (2)(a)(i), amending provision, numbered paragraph (c)				
116	(c) coordinate, organise and implement investigative and operational actions to support and strengthen actions by the competent	<i>deleted</i>	(c) coordinate, organise and implement investigative and operational actions to support and strengthen actions by the competent	

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	authorities of the Member States, that are carried out:		authorities of the Member States, that are carried out:	
Article 9, first paragraph, point (2)(a)(i), amending provision, numbered paragraph (c), point (i)				
117	(i) jointly with the competent authorities of the Member States;	<i>deleted</i>	(i) jointly with the competent authorities of the Member States;	
Article 9, first paragraph, point (2)(a)(i), amending provision, numbered paragraph (c), point (ii)				
118	(ii) in the context of joint investigation teams in accordance with Article 5 and, where appropriate, in liaison with Eurojust;	<i>deleted</i>	(ii) in the context of joint investigation teams in accordance with Article 5 and, where appropriate, in liaison with Eurojust;	
Article 9, first paragraph, point (2)(a)(i), amending provision, numbered paragraph (c), point (iii)				
119	(iii) in the context of operational task forces in accordance with Article 5a;	<i>deleted</i>	(iii) in the context of operational task forces in accordance with Article 5a;	
Article 9, first paragraph, point (2)(a)(i), amending provision, numbered paragraph (c), point (iv)				
120	(iv) in the context of Europol deployments for operational support in accordance with Article 5b;	<i>deleted</i>	(iv) in the context of Europol deployments for operational support in Member States and third countries in accordance with Article 5b;	
Article 9, first paragraph, point (2)(a)(ii)				
121	(ii) point (h) is replaced by the following:	(ii) point (h) is replaced by the following:	(ii) point (h) is replaced by the following:	(ii) point (h) is replaced by the following: Text Origin: Commission Proposal
Article 9, first paragraph, point (2)(a)(ii), amending provision, numbered paragraph (h)				

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122	‘ (h) support Member States' cross-border information exchange activities, operations and investigations, as well as joint investigation teams and operational task forces, including by providing analytical, operational, technical, forensic and financial support;’	‘ (h) support Member States' cross-border information exchange activities, operations and investigations, as well as joint investigation teams and operational task forces , including by providing analytical, operational, technical, forensic and financial support;’	‘ (h) support Member States' cross-border information exchange activities, operations and investigations, as well as joint investigation teams and operational task forces, including by providing analytical, operational, technical, forensic and financial support;’	
Article 9, first paragraph, point (2)(a)(iii)				
123	(iii)point (1) is replaced by the following:	(iii)point (1) is replaced by the following:	(iii)point (1) is replaced by the following:	(iii)point (1) is replaced by the following: Text Origin: Commission Proposal
Article 9, first paragraph, point (2)(a)(iii), amending provision, numbered paragraph (l), first subparagraph				
124	‘ (l) develop Union centres of specialised expertise for combating certain types of crime falling within the scope of Europol's objectives, including the European Cybercrime Centre and, in accordance with Regulation (EU) .../... of the European Parliament and of the Council* [Regulation on Combating Migrant Smuggling], the European Centre Against Migrant Smuggling;’	‘ (l) develop Union centres of specialised expertise for combating certain types of crime falling within the scope of Europol's objectives, including the European Cybercrime Centre and, in accordance with Regulation (EU) .../... of the European Parliament and of the Council* [Regulation on Combating Migrant Smuggling] <u>Article 16a</u> , the European Centre Against Migrant Smuggling;’	‘ (l) develop Union centres of specialised expertise for combating certain types of crime falling within the scope of Europol's objectives, including the European Cybercrime Centre and, in accordance with Regulation (EU) .../... of the European Parliament and of the Council* [Regulation on Combating Migrant Smuggling], the European Centre Against Migrant Smuggling;’	
Article 9, first paragraph, point (2)(a)(iii), amending provision, numbered paragraph (l), second subparagraph				
125	_____		_____	

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		<i>deleted</i>		<i>deleted</i>
<i>Article 9, first paragraph, point (2)(a)(iii), amending provision, numbered paragraph (l), third subparagraph</i>				
126	* Regulation (EU) .../... of the European Parliament and of the Council of ... on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794 (OJ L ..., ELI: ...);	<i>deleted</i>	* Regulation (EU) .../... of the European Parliament and of the Council of ... on enhancing police cooperation in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combating such crimes and amending Regulation (EU) 2016/794 (OJ L ..., ELI: ...);	<i>deleted</i>
<i>Article 9, first paragraph, point (2)(a)(iv)</i>				
127	(iv) point (s) is replaced by the following:	(iv) point (s) is replaced by the following:	(iv) point (s) is replaced by the following:	(iv) point (s) is replaced by the following: Text Origin: Commission Proposal
<i>Article 9, first paragraph, point (2)(a)(iv), amending provision, numbered paragraph (s)</i>				
128	(s) facilitate joint, coordinated and prioritised criminal intelligence activities and investigations, including with regard to persons referred to in point (r), and including through operational task forces and Europol deployments for operational support;;	(s) facilitate joint, coordinated and prioritised criminal intelligence activities and investigations, including with regard to persons referred to in point (r), and including through operational task forces and Europol deployments for operational support; ;	(s) facilitate joint, coordinated and prioritised criminal intelligence exchange activities and investigations, including with regard to persons referred to in point (r), and including through operational task forces and Europol deployments for operational support;';	(s) facilitate joint, coordinated and prioritised criminal intelligence exchange activities and investigations, including with regard to persons referred to in point (r); and including through operational task forces and Europol deployments for operational support; ; <u>...</u>

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				Pending decision on OTFs and deployments Text Origin: EP Mandate
Article 9, first paragraph, point (2)(a)(iva)				
y	128a	<u>(iva) the following point is inserted:</u>		<u>(iva) the following point is inserted:</u> Text Origin: EP Mandate
Article 9, first paragraph, point (2)(a)(iva), amending provision, first paragraph				
y	128b	<u>(va) cooperate with the competent authorities of the Member States in the context of investigations into migrant smuggling and trafficking in human beings, including when these involve activities carried out over the internet</u>		<u>(va) in cooperating with competent authorities in the context of investigations, Europol shall pay particular attention to migrant smuggling and trafficking in human beings, including when these involve activities carried out over the internet.</u> Text Origin: EP Mandate
Article 9, first paragraph, point (2)(a)(v)				
g	129	(v) the following point (za) is added:	(v) the following point (za) is added:	(v) the following point (za) is added: Text Origin: Commission Proposal
Article 9, first paragraph, point (2)(a)(v), amending provision, numbered paragraph (za)				
y	130	(za) support Member States with the effective and efficient processing of biometric data.;	(za) support Member States, <u>including through the development of specific tools</u> , with the effective and efficient processing of biometric	(za) support Member States, <u>including through the development of specific tools</u> , with the effective and efficient processing of biometric

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		data <u>for preventing or combating crime that falls within Europol's objectives as set out in article 3.</u> ; <u>Processing of biometric data shall satisfy applicable minimum quality standards, and be carried out in compliance with Articles 18 and 18a, and the safeguards set out in this Regulation, in particular the principles of strict necessity and proportionality as set out in Article 30.</u>	this Regulation with the effective and efficient processing of biometric data.;	data <u>for preventing or combating crime that falls within Europol's objectives as set out in article 3.</u> ; <u>Processing of biometric data shall satisfy applicable minimum quality standards, and be carried out in compliance with Articles 18 and 18a, and the safeguards set out in this Regulation, in particular the principles of strict necessity and proportionality as set out in Article 30.</u> Pending further discussions Text Origin: EP Mandate
Article 9, first paragraph, point (2)(b)				
131	(b) paragraph 5 is replaced by the following:	(b) paragraph 5 is replaced by the following:	(b) paragraph 5 is replaced by the following: 2 is amended as follows:	
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), first subparagraph				
132	5. Europol shall not apply coercive measures in carrying out its tasks.	5. Europol shall not apply coercive measures in carrying out its tasks.	5. Europol shall not apply coercive measures in carrying out its tasks.	
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), second subparagraph				
133	Europol staff may provide operational support to the competent authorities of the Member States during the execution of investigative measures by those authorities, at their request and in accordance with their national law, including in the	Europol staff may provide operational support to the competent authorities of the Member States during the execution of investigative measures by those authorities, at their request and in accordance with their national law, <i>including in the</i>	Europol staff may provide operational support to the competent authorities of the Member States during the execution of investigative measures by those authorities, at their request and in accordance with their national law, including in the	

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	context of the implementation of operational task forces and Europol deployment for operational support, in particular by facilitating cross-border information exchange, by providing analytical, operational, technical and forensic support, and by being present during the execution of those measures.	context of the implementation of operational task forces and Europol deployment for operational support, in particular by facilitating cross-border information exchange, by providing analytical, operational, technical and forensic support, and by being present during the execution of those measures.	context of the implementation of operational task forces and Europol deployment for operational support, in particular by facilitating cross-border information exchange, by providing analytical, operational, technical and forensic support, and by being present during the execution of those measures.	
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), third subparagraph				
134	Europol staff shall have the power to execute non-coercive investigative measures themselves provided that Europol has been requested to do so by a Member State in accordance with its national law and the Executive Director has authorised Europol staff to execute the requested non-coercive investigative measures.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), fourth subparagraph				
135	Europol staff shall carry out such non-coercive investigative measures in liaison and in agreement with the competent authorities of the Member State concerned, and in accordance with this Regulation and the national law of that Member State.;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), fourth subparagraph a				
135a		<u><i>Whilst the application of coercive</i></u>		

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		<u>measures shall be the exclusive responsibility of the competent authorities of the Member States, Europol staff may implement investigative measures that relate to data processing themselves, provided that those measures are:</u>		
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), fourth subparagraph a, point (a)				
135b		<u>(i) carried out in liaison and in agreement with the competent authorities of the Member State concerned;</u>		
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), fourth subparagraph a, point (b)				
135c		<u>(ii) carried out in accordance with this Regulation and with the national law of the Member State concerned;</u>		
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), fourth subparagraph a, point (c)				
135d		<u>(iii) authorised by the Executive Director.</u>		
Article 9, first paragraph, point (2)(b), amending provision, numbered paragraph (5), fourth subparagraph b				
135e			2. Europol shall provide strategic analyses and threat assessments to assist the Council and the Commission in laying down strategic and operational priorities of the Union for fighting crime. Europol shall also assist in the operational implementation of those priorities, in particular by supporting Member States'	

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			competent authorities in further strengthening the European Multidisciplinary Platform Against Criminal Threats (EMPACT) as a coherent framework to prevent and tackle the threats posed by criminal networks, including by facilitating and providing administrative, logistical, financial and operational support to operational and strategic activities led by Member States, including the related exchange of information.	
Article 9, first paragraph, point (3)				
136	(3) the following Articles 5a and 5b are inserted:	<i>deleted</i>	(3) the following Articles 5a and 5b are Article 5b is inserted:	
Article 9, first paragraph, point (3), amending provision, first paragraph				
137	Article 5a	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 9, first paragraph, point (3), amending provision, second paragraph				
138	Operational task forces	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 9, first paragraph, point (3), amending provision, numbered paragraph (1)				
139	1. Member States may set up an operational task force for the	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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	duration of certain dedicated criminal intelligence activities or investigations. Europol shall facilitate the setting up and support the implementation of an operational task force.			
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (2)</i>				
140	2. The Member States setting up an operational task force shall agree with Europol on the planning, coordination and implementation of the criminal intelligence activities and investigations of the operational task force.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (3)</i>				
141	3. The Member States setting up an operational task force shall ensure coherence and synergies with the framework of the European Multidisciplinary Platform Against Criminal Threats (EMPACT).	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (4)</i>				
142	4. The Member States setting up an operational task force may decide to invite other Member States, third countries and other partners referred to in Article 23 to participate in or support the operational task force. The participation of third countries and other partners in the operational task force shall take place in accordance with this Regulation.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (5)</i>				
143	5.To support the implementation of an operational task force, Europol shall make available the analytical, operational, technical, forensic and financial support provided for by this Regulation, in accordance with paragraph 2.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (6)</i>				
144	6.Each Member State setting up, or participating in, or supporting an operational task force shall, in accordance with the planning, coordination and implementation referred to in paragraph 2:	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (6), point (a)</i>				
145	(a) provide all relevant information without delay to Europol and to the other Member States setting up, participating in, or supporting the operational task force, using SIENA and, where appropriate, make information directly accessible in accordance with Article 20(2a);	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (6), point (b)</i>				
146	(b) make use of the analytical, operational, technical, forensic and financial support provided by Europol;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (6), point (c)</i>				
147	(c) initiate certain dedicated			

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	criminal intelligence activities and investigations in accordance with national law where required to address the crime to which the operational task force relates;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (6), point (d)</i>				
148	(d) initiate parallel financial investigations in accordance with national and Union law to identify and seize criminal assets;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (6), point (e)</i>				
149	(e) engage its liaison officers deployed in third countries where criminal activities are investigated in the context of the operational task force to enhance cooperation and information sharing, and provide Europol with the information obtained, in accordance with Union and national law.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (7)</i>				
150	7. The Executive Director may propose setting up an operational task force to the competent authorities of the Member States concerned via their national units where the Executive Director considers it would add value to combating a crime falling within the scope of Europol's objectives.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (8)</i>				

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151	8.The Management Board shall adopt implementing rules for the setting up and implementation of operational task forces.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 9, first paragraph, point (3), amending provision, eleventh paragraph				
152	Article 5b	<i>deleted</i>	Article 5b	
Article 9, first paragraph, point (3), amending provision, twelfth paragraph				
153	Europol deployment for operational support	<i>deleted</i>	Europol deployment for operational support	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (1)				
154	1.A Member State may request, in accordance with its national law, Europol deployment for operational support on its territory to make use of the analytical, operational, technical, forensic and financial support provided by Europol to prevent and combat crimes falling within Europol's objectives.	<i>deleted</i>	1.A Member State may request, in accordance with its national law, Europol deployment for operational support on its territory to make use of the analytical, operational, technical, forensic and financial support provided by Europol to prevent and combat crimes falling within Europol's objectives.	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (2)				
155	2.Europol deployment for operational support shall take place in the context of complex and large-scale investigations requiring Europol's support, including in the context of joint investigation teams or operational task forces, or to support checks against relevant	<i>deleted</i>	2.Europol deployment for operational support where requested by a Member State according to paragraph 1 shall take place in the context of complex and large-scale investigations and criminal intelligence exchange activities requiring Europol's	

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	databases to strengthen controls at the Union's external borders, or migration management support teams in accordance with Regulation (EU) 2019/1896 of the European Parliament and of the Council or to provide support to Member States in major international events.		support, including in the context of joint investigation teams or operational task forces, or to support in accordance with the legal framework governing those databases checks against relevant databases to strengthen controls at the Union's external borders, or migration management support teams in accordance with Regulation (EU) 2019/1896 of the European Parliament and of the Council or to provide support to Member States in major international events.	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (3)				
156	3. The Executive Director shall evaluate the request made by a Member State in accordance with paragraph 1 and may approve the Europol deployment for operational support for a limited period of time that can be renewed, considering the operational needs and its available resources. The decision of the Executive Director shall be based on a risk assessment.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 9, first paragraph, point (3), amending provision, numbered paragraph (4)				
157	4. Once the Executive Director has approved the request made by a Member State in accordance with paragraph 1, that Member State and Europol shall jointly agree on the modalities of the Europol	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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	deployment for operational support. Europol staff and seconded national experts deployed in the Member State shall operate in accordance with this Regulation, notably Article 4(5), and in accordance with the national law of the Member State in whose territory the deployment takes place.			
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (5)</i>				
158	5. In exceptional cases of urgency requiring immediate Europol deployment for operational support in the territory of a Member State, that Member State and the Executive Director shall ensure that the steps set out in paragraphs 1, 3 and 4 take place within a period of 72 hours.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (6)</i>				
159	6. Europol shall set up a reserve pool of Member States' experts for the purpose of Europol deployments for operational support. The reserve pool shall constitute a reserve of experts working in their Member States that can be placed at the immediate disposal of Europol for that purpose. The Member States shall ensure that their experts are available to take part, as seconded national experts, in Europol deployments for operational support at the request of Europol.	<i>deleted</i>	6. Europol shall set up a voluntary reserve pool of Member States' experts for the purpose of Europol deployments for operational support. The reserve pool shall constitute a reserve of experts working in their Member States that can be placed at the immediate disposal of Europol for that purpose. The Member States shall ensure that their experts are available to take part, as seconded national experts, in Europol deployments for operational support at the request of Europol.	

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Article 9, first paragraph, point (3), amending provision, numbered paragraph (7)				
160	7.The Member State in whose territory the Europol deployment for operational support takes place shall, in accordance with the agreed modalities referred to in paragraph 4:	<i>deleted</i>	7.The Member State in whose territory the Europol deployment for operational support takes place shall, in accordance with the agreed modalities referred to in paragraph 4: ensure when relevant and possible and without prejudice to Article 7(7):	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (7), point (a)				
161	(a) provide all relevant information without delay to Europol, where possible by making information in national databases directly accessible to the Europol staff and seconded national experts deployed in its territory in accordance with its national law;	<i>deleted</i>	(a) provide all relevant information without delay to Europol, where possible by making information in national databases directly accessible to the Europol staff and seconded national experts deployed in its territory in accordance with its national law;	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (7), point (b)				
162	(b) make use of the analytical, operational, technical and forensic support provided by the Europol staff deployed in its territory;	<i>deleted</i>	(b) make use of the analytical, operational, technical and forensic support provided by the Europol staff deployed in its territory;	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (7), point (c)				
163	(c) enable the Europol staff and seconded national experts deployed in its territory to be present during the execution of investigative measures.	<i>deleted</i>	(c) enable the Europol staff and seconded national experts deployed in its territory to be present during the execution of investigative measures.	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (8)				
164	8.The Executive Director may			

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	propose the Europol deployment for operational support in the territory of a Member State to the competent authorities of that Member State via its national unit where the Executive Director considers it would add value to preventing or combating a crime falling within the scope of Europol's objectives.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (9)</i>				
165	9. The Management Board shall adopt implementing rules for the preparation and implementation of Europol deployments for operational support, including on the number and profiles of experts to be included in the reserve pool and any subsequent changes thereto.	<i>deleted</i>	9. The Management Board shall adopt implementing rules for the preparation and implementation of Europol deployments for operational support, including on the number and profiles of experts to be included in the evaluation and approval of the Member State's request, the modalities of the deployment and voluntary reserve pool and any subsequent changes thereto.	
<i>Article 9, first paragraph, point (3), amending provision, numbered paragraph (10), first subparagraph</i>				
166	10. This Article shall apply mutatis mutandis where Europol deployment for operational support takes place in a third country as referred to in Article 25(1), point (a), (b) or (c).	<i>deleted</i>	10. This Article shall apply mutatis mutandis In the case where Europol deployment for operational support takes place in a third country as referred to in Article 25(1), point (a), (b) or (c) requests Europol deployment for operational support in its territory, the Executive Director shall only accept such a request with the authorisation of the Management	

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
			Board. The Management Board shall adopt implementing rules for the preparation and implementation of Europol deployments for operational support in the territory of a third country as referred to in Article 25(1), point (a), (b) or (c), including on the evaluation and approval of that third country's request and the modalities of the deployment.	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (10), second subparagraph				
167	_____	<i>deleted</i>	_____	
Article 9, first paragraph, point (3), amending provision, numbered paragraph (10), third subparagraph				
168	* Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj);	<i>deleted</i>	* Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj);	
Article 9, first paragraph, point (3a)				
168a			(4) Article 7 is amended as follows:	

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Article 9, first paragraph, point (3a)(a)				
168b			(-a) in point (a) of paragraph 6, the following wording is added:	
Article 9, first paragraph, point (3a)(a), amending provision, first paragraph				
168c			‘ including migrant smuggling and trafficking in human beings. ’	
Article 9, first paragraph, point (3a)(b)				
168d			(b) the following paragraph 6b is inserted:	
Article 9, first paragraph, point (3a)(b), amending provision, first paragraph				
168e			‘ 6b Each Member State setting up, or participating in, or supporting an operational task force shall provide all relevant information without delay to Europol and to the other Member States setting up, participating in, or supporting the operational task force, using SIENA and, where appropriate, make information directly accessible in accordance with Article 20(2a), including information related to parallel financial investigations to identify and seize criminal assets. ’	
Article 9, first paragraph, point (3a)(c)				

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168f			(ba) the following paragraph 6c is inserted:	
Article 9, first paragraph, point (3a)(c), amending provision, first paragraph				
168g			6c Each Member State setting up, or participating in EMPACT operational action supported by Europol shall, whenever feasible, use SIENA to provide all relevant information without delay to Europol and to other Member States.	
Article 9, first paragraph, point (3a)(d)				
168h			(c) paragraph 7 is replaced by the following:	
Article 9, first paragraph, point (3a)(d), amending provision, first paragraph				
168i			7. Without prejudice to the discharge by Member States of their responsibilities with regard to the maintenance of law and order and the safeguarding of internal security, Member States shall not in any particular case be obliged to supply information in accordance with point (a) of paragraph 6 or paragraph 6b that would:	
Article 9, first paragraph, point (3a)(d), amending provision, first paragraph, point (a)				

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168j			(a) be contrary to the essential interests of the security of the Member State concerned;	
Article 9, first paragraph, point (3a)(d), amending provision, first paragraph, point (b)				
168k			(b) jeopardise the success of an ongoing investigation or the safety of an individual; or	
Article 9, first paragraph, point (3a)(d), amending provision, first paragraph, point (c)				
168l			(c) disclose information relating to organisations or specific intelligence activities in the field of national security.	
Article 9, first paragraph, point (3a)(d), amending provision, second paragraph				
168m			However, Member States shall supply information as soon as it ceases to fall within the scope of points (a), (b) or (c) of the first subparagraph.	
Article 9, first paragraph, point (3a)(e)				
168n			(d) the following paragraph 7a is inserted:	
Article 9, first paragraph, point (3a)(e), amending provision, first paragraph				
168o			7a. Each Member State shall connect its immigration liaison officers to SIENA. Where it is not possible to connect an immigration liaison officer to SIENA due to	

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			legal, organisational or technical reasons that immigration liaison officer shall submit the information relating to criminal offences on migrant smuggling and trafficking in human beings to a national competent authority through other secure channels. That competent authority shall provide the information to Europol, in accordance with paragraphs 5 and 6 (a).	
Article 9, first paragraph, point (3a)				
168p		<u>(3a) the following Section is inserted:</u>		
Article 9, first paragraph, point (3a), amending provision, first paragraph				
168q		<u>Section 2a European Centre Against Migrant Smuggling</u>		
Article 9, first paragraph, point (3b)				
168r		<u>(3b) the following Article 16a is inserted:</u>		
Article 9, first paragraph, point (3b), amending provision, first paragraph				
168s		<u>Article 16a Tasks and composition of the</u>		

Commission Proposal		EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
		<u>European Centre Against Migrant Smuggling</u>		
Article 9, first paragraph, point (3b), amending provision, second paragraph				
168t		<u>1. The European Centre Against Migrant Smuggling is established within Europol as a Union centre of specialised expertise as referred to in Article 4(1), point (l).</u>		
Article 9, first paragraph, point (3b), amending provision, third paragraph				
168u		<u>2. The European Centre Against Migrant Smuggling shall carry out operational and strategic tasks in order to support Member States in the prevention and combating of migrant smuggling and trafficking in human beings. Those tasks shall include coordinating and implementing investigative and operational actions, supporting Member States' cross-border cooperation, operations and investigations. It shall identify and monitor smuggling and trafficking activities, including those that may require cooperation and, where necessary, the exchange of personal data with third countries. It shall provide strategic analyses, threat assessments, and an annual report on key priorities and actions. The European Centre Against Migrant Smuggling shall also support the identification of victims of</u>		

Commission Proposal		EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
		<u><i>trafficking or other vulnerable individuals, ensuring the necessary cooperation with the EU anti-trafficking coordinator referred to in Article 20 of Directive (EU) 2011/36/EU.</i></u>		
Article 9, first paragraph, point (3b), amending provision, fourth paragraph				
168v		<u><i>3. Europol shall provide the European Centre Against Migrant Smuggling with adequate resources to fulfil its tasks.</i></u>		
Article 9, first paragraph, point (3b), amending provision, fifth paragraph				
168w		<u><i>4. The European Centre Against Migrant Smuggling shall be composed of Europol staff and representatives of the following entities:</i></u>		
Article 9, first paragraph, point (3b), amending provision, fifth paragraph, point (a)				
168x		<u><i>(a) a representative appointed by each Member State, where applicable, from a dedicated structure or mechanism within the competent authorities, responsible for the prevention and combating of migrant smuggling and trafficking in human beings, as referred to in Article 16b;</i></u>		
Article 9, first paragraph, point (3b), amending provision, fifth paragraph, point (b)				
168y		<u><i>(b) a permanent representative of Eurojust;</i></u>		
Article 9, first paragraph, point (3b), amending provision, fifth paragraph, point (c)				

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168z		<u>(c) a permanent representative of the European Border and Coast Guard Agency.</u>		
Article 9, first paragraph, point (3b), amending provision, sixth paragraph				
168aa		<u>Europol may invite other participants to be involved in carrying out activities of the European Centre Against Migrant Smuggling.</u>		
Article 9, first paragraph, point (3b), amending provision, seventh paragraph				
168ab		<u>5. Upon a proposal from the Executive Director and after consulting the entities listed in paragraph 4, points (a), (b), and (c), the Management Board shall adopt implementing rules on how the European Centre Against Migrant Smuggling operates. Those implementing rules shall cover its tasks and its composition. Union bodies or agencies involved shall participate in accordance with their own legal frameworks.</u>		
Article 9, first paragraph, point (3c)				
168ac		<u>(3c) the following Article 16b is inserted:</u>	(3c)	
Article 9, first paragraph, point (3c), amending provision, first paragraph				
168ad		<u>Article 16b</u>		

Commission Proposal		EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
		<u><i>National structures or mechanisms to prevent and combat migrant smuggling and trafficking in human beings and effective information sharing with Europol</i></u>		
Article 9, first paragraph, point (3c), amending provision, first paragraph, point (b)				
168ae		<u><i>1. For the purposes of the work of the European Centre against Migrant Smuggling, and in particular, to allow the European Centre Against Migrant Smuggling to support the Member States by coordinating and implementing investigative and operational actions, Member States shall seek to establish or strengthen dedicated structures or mechanisms within their competent authorities to prevent and combat migrant smuggling and trafficking in human beings. Such structures or mechanisms may be newly established or may be existing entities, which can be adapted or strengthened as necessary.</i></u>		
Article 9, first paragraph, point (3c), amending provision, first paragraph, point (c)				
168af		<u><i>2. Member States shall aim to ensure that all relevant information for preventing and combating migrant smuggling and trafficking in human beings, including verified information transmitted by Immigration Liaison Officers</i></u>		

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
		<u><i>deployed in third countries that falls within the scope of Europol's legal framework, is shared with Europol and other Member States in a timely and effective manner, using the Secure Information Exchange Network Application (SIENA).</i></u>		
Article 9, first paragraph, point (3c), amending provision, first paragraph, point (d)				
168ag		<u><i>3. Member States shall ensure synergies between the structures or mechanisms referred to in paragraph 1, where applicable, and the national anti-trafficking coordinators or equivalent mechanisms designated under Article 19 of Directive (EU).</i></u>		
Article 9, first paragraph, point (3d)				
168ah			(4a) in Article 24, the following paragraph 4 is added:	
Article 9, first paragraph, point (3d), amending provision, first paragraph				
168ai			4. Europol shall invite a liaison officer of the European Border and Coast Guard Agency as a permanent representative at the European Migrant Smuggling Centre referred to in point (l) of Article 4(1) to facilitate the cooperation and exchange of information in accordance with this Article and Regulation (EU)	

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			2019/1896.	
Article 9, first paragraph, point (3e)				
168aj			(4b) in Article 11, in paragraph 1, the following point (x) is added:	
Article 9, first paragraph, point (3e), amending provision, first paragraph				
168ak			(x) decide upon Europol deployment for operational support in exceptional cases in the territory of a third country as referred to in Article 25(1), point (a), (b) or (c) in accordance with Article 5b(10).	
Article 9, first paragraph, point (4)				
169	(4) in Article 18(2), point (d) is replaced by the following:	(4) in Article 18(2), point (d) is replaced by the following:	(4)(5) in Article 18(2), point (d) is replaced by the following:	
Article 9, first paragraph, point (4), amending provision, numbered paragraph (d)				
170	(d) facilitating, including through SIENA, the exchange of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties;;	(d) facilitating, including through SIENA, the exchange of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties;;	(d) facilitating, including through SIENA, the exchange of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties;;	(d) facilitating, including through SIENA, the exchange of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties;; Text Origin: Commission Proposal

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Article 9, first paragraph, point (4a), first subparagraph				
170a			(5a) In Article 21, the following paragraph 2a is added:	
Article 9, first paragraph, point (5a), amending provision, numbered paragraph 2a.				
170b			'2a. Europol shall invite a liaison officer of Eurojust as a permanent representative at the European Migrant Smuggling Centre referred to in point (l) of Article 4(1) to facilitate the cooperation and exchange of information in accordance with this Article and Regulation (EU) 2018/1727.'	
Article 9, first paragraph, point (4a)				
170c		<u>(4a) Article 53 is replaced by the following:</u>		
Article 9, first paragraph, point (4a), amending provision, first paragraph				
170d		<u>Article 53</u> <u>General provisions</u>		
Article 9, first paragraph, point (4a), amending provision, second paragraph				
170e		<u>1. The Staff Regulations, the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect to the Staff Regulations and to the Conditions of Employment of Other Servants shall apply to the staff of Europol.</u>		
Article 9, first paragraph, point (4a), amending provision, third paragraph				

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170f		<p><u>2. Europol staff shall consist of temporary staff or contract staff, or a combination thereof. The Management Board shall be informed on a yearly basis of contracts of an indefinite duration granted by the Executive Director. The Management Board shall decide which temporary posts provided for in the establishment plan can be filled only by staff from the competent authorities of the Member States. Staff recruited to occupy such posts shall be temporary agents and may be awarded only fixed-term contracts, renewable once for an overall maximum fixed period of ten years.</u></p>		
Article 9, first paragraph, point (4b)				
170g		<p><u>(4b) the following Article 74c is inserted:</u></p>		
Article 9, first paragraph, point (4b), amending provision, first paragraph				
170h		<p><u>Article 74c</u> <u>Transitional arrangements concerning the length of service of staff</u></p>		
Article 9, first paragraph, point (4b), amending provision, second paragraph				
170i		<p><u>1. The contract of a temporary staff member provided for in the</u></p>		

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Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9, first paragraph, point (4b), amending provision, second paragraph, point (a)			
170j			
Article 9, first paragraph, point (4b), amending provision, second paragraph, point (b)			
170k			
Article 9, first paragraph, point (4b), amending provision, third paragraph			
170l			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9, first paragraph, point (5)				
171	(5) Annex I is amended as follows:	(5) Annex I is amended as follows:	(5) (6) Annex I is amended as follows:	
Article 9, first paragraph, point (5)(a)				
172	(a) the sixth indent (“immigrant smuggling”) is replaced by the following:	(a) the sixth indent (“immigrant smuggling”) is replaced by the following:	(a) the sixth indent (“immigrant smuggling”) is replaced by the following:	(a) the sixth indent (“immigrant smuggling”) is replaced by the following: Text Origin: Commission Proposal
Article 9, first paragraph, point (5)(a), amending provision, numbered paragraph				
173	‘ - migrant smuggling; ’	‘ - migrant smuggling; ’	‘ - migrant smuggling; ’	‘ - migrant smuggling; ’ Text Origin: Commission Proposal
Article 9, first paragraph, point (5)(b)				
174	(b) the following indent is added:	(b) the following indent is added:	(b) the following indent is added:	(b) the following indent is added: Text Origin: Commission Proposal
Article 9, first paragraph, point (5)(b), amending provision, numbered paragraph				
175	‘ - violation of Union restrictive measures. ’	‘ - violation of Union restrictive measures. ’	‘ - violation of Union restrictive measures. ’	‘ - violation of Union restrictive measures. ’ Text Origin: Commission Proposal
Chapter V				

	Commission Proposal	EP Mandate	ST 11351/24 Council Mandate	Draft Agreement
176	Chapter V FINAL PROVISIONS	Chapter V deleted	deleted	deleted
<i>Article 10</i>				
177	Article 10 Entry into force and applicability	Article 10 Entry into force and applicability	Article 10 Entry into force and applicability	
Article 10, first paragraph				
178	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 10, second paragraph				
179	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties. Text Origin: Commission Proposal
Formula				
180	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
Formula				
181	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal

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	Formula			
182	The President	The President	The President	The President <small>Text Origin: Commission Proposal</small>
	Formula			
183	For the Council	For the Council	For the Council	For the Council <small>Text Origin: Commission Proposal</small>
	Formula			
184	The President	The President	The President	The President <small>Text Origin: Commission Proposal</small>